



August 22, 2004

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The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as First Class Airmail in an envelope addressed to Commissioner of Patents and Trademarks, Washington DC. 20231, USA on or before August 22, 2004.

Steven A. Benner (Applicant)

This is a verified statement that the Applicant is a "small entity" as defined by 37 CFR 1.27. The Applicant is a holder of Deposit Account Number 02-2055 in the Applicant's name, and authorizes the Commissioner to debit any charges or credit any overpayment to this account as appropriate.

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Regarding:

Title: Evolution-based Functional Genomics

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Serial No.: 10/765,120

Filing Date January 28, 2004

This communication is responsive to the Notice dated June 23, 2004, a copy of which is enclosed.

Please amend the above-specified patent application to incorporate the attached sequence listing.

This is a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disk) sequence listing and, where applicable, includes no new matter, as required by 32 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

The instructions in the "Notice to Comply" were possibly inadequate to guide the applicant to the format that is appropriate for this sequence listing. The instructions in the Manual for Patent Examining Procedure were confusing, to say the least.

If the Examiner desires to have this information in a different format, the Applicant respectfully requests that the Examiner provides the Applicant with instructions as to the format desired.

Sincerely yours,



Steven A. Benner  
(Applicant)